

REMARKS

New claims 4-18 are presented herein for examination. No new matter has been added and all of the current claims are fully supported in the specification.

The Applicant respectfully asserts that the pending claims are patentable over the art, alone and in combination. In the previous office action, the Examiner rejected then pending claims 1-3 under 35 U.S.C. Section 103 as being obvious over U.S. Patent No. 6,004,822 to Li, et al. ("Li"). The current claims are patentably distinguishable over the art of record, alone and in combination. The art or record, alone and in combination, simply fails to teach the steps of the claimed invention.

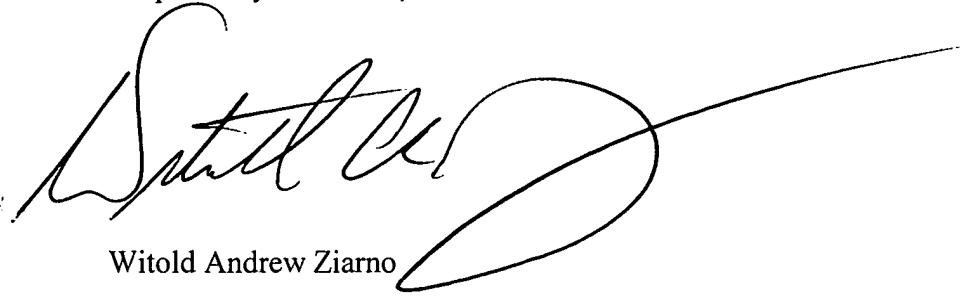
Li generally relates to a device for facilitating the determination of the solubility and dissolution properties of chemical compounds in various solvents. The Examiner acknowledges that "[t]he prior art fails to teach or suggest flowing the release medium through the cell so as to remove undissolved particles from the cell during the testing." Office Action, p. 3. This is not surprising since Li, alone and in combination with the other art of record fails to teach or fairly suggest means of removing a sample from said cell such that undissolved solids are not included in the sample.

It is also clear that Li's apparatus is designed specifically to achieve a saturated solution of the test compound in the solvent (Li, Col. 2, ll. 21-41). Li's equipment is designed to retain test compound within the device until saturation is achieved. Operating a test of Li's invention will not give the results of the present invention because no solids removal is involved in Li's invention.

Conclusion

Applicant respectfully asserts that the claims are allowable over the art of record, alone or in combination. Applicant respectfully requests a one month extension of time to respond to the previous office action or until July 21, 2003. A check in the amount of \$110.00 is enclosed herewith. Should any issues remain, Applicant requests an interview with the Examiner. Applicant's representative can be reached at 1-215-619-5548 to schedule the interview if needed. A complete set of claims is presented in Appendix A.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Witold Andrew Ziarno". The signature is fluid and cursive, with a large, stylized oval shape drawn to its right.

Witold Andrew Ziarno

Reg. No. 39,888

Dated: July 21, 2003